



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 27, 2005

III.1
ITEM NUMBER:

SUBJECT: APPEAL OF ADMINISTRATIVE ADJUSTMENT ZA-04-64
151 MONTE VISTA AVENUE

DATE: JUNE 16, 2005

FOR FURTHER INFORMATION CONTACT: HANH TRAN, ASSISTANT PLANNER
(714)754-5640

DESCRIPTION

The applicant is appealing the Zoning Administrator's denial of ZA-04-64, an administrative adjustment to allow a 15-foot rear setback for a second-floor balcony and an exterior stairway (20 feet required).

APPLICANT/APPELLANT

The applicant and appellant is Ray Varela, who is representing the property owner, Jason Machovsky.

RECOMMENDATION

Uphold the Zoning Administrator's denial by adoption of Planning Commission resolution.

Hanh Tran

HANH TRAN
Assistant Planner

Kimberly Brandt for

R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 151 Monte Vista Avenue Application: ZA-04-64

Request: Appeal of denial of an Administrative Adjustment to allow an exterior stairway and second-floor deck to encroach five feet into the required 20-ft. rear setback in conjunction with a 1,734 sq. ft., first-floor and second-floor addition.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>R2-MD</u>	North: <u>R2-MD Single-family residence</u>
General Plan: <u>Medium Density Residential</u>	South: <u>R2-MD Multiple family residences</u>
Lot Dimensions: <u>Irregular</u>	East: <u>R2-MD Single-family residence</u>
Lot Area: <u>7,247 sq. ft.</u>	West: <u>R2-MD Multiple family residences</u>
Existing Development: <u>A 1,564 sq. ft., one-story, single-family residence and a 376 sq. ft., attached, two-car garage.</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>
Density:		
Zone	1 du:3,630 sq. ft.	1 du:7,247 sq. ft.
General Plan		
Lot Size:	12,000 sq. ft.	7,247 sq. ft. ¹
Building Coverage:		
Building – existing residence	N/A	22% (1,564 sq. ft.)
Building – existing garage	N/A	5% (376 sq. ft.)
Building – addition to garage	N/A	6% (414 sq. ft.)
Paving	N/A	7% (520 sq. ft.)
TOTAL (coverage)	N/A	40% (2,874 sq. ft.)
Open Space:	40% (2,899 sq.ft.)	60% (4,373 sq. ft.)
Building Height:	2 stories/27 ft.	2 stories/26 ft.
2 nd to 1 st floor ratio ²	80% x 2,354 1 st floor=1,883 sq.ft.	56% (1,320 sq. ft.)
Setback		
Front	20 ft.	20 ft.
Side (left/right) – 1 st story	5 ft./5 ft.	4.5 ft./10 ft.
Side (left/right) – 2 nd story ²	10 ft. average/10 ft. average	15 ft./20 ft.
Rear – 1 st floor	10 ft.	15 ft.
Rear – 2 nd floor	20 ft.	15 ft. ³
Rear Yard Coverage:	25% (350 sq. ft.)	11% (160 sq. ft.)
Parking:		
Covered	2	2
Open	2	2
TOTAL	4	4

¹ Legal nonconforming

² Residential design guideline

³ Administrative adjustment (denied by Zoning Administrator)

N/A = not applicable or no requirement

CEQA Status	<u>Exempt-Class 1</u>
Final Action	<u>Planning Commission</u>

BACKGROUND

On May 5, 2005, the Zoning Administrator denied the applicant's request for an administrative adjustment to allow a proposed exterior stairway and a second-floor deck to encroach five feet into the required 20-foot rear setback. The deck and exterior stairway were proposed as part of a 1,320 square-foot second-floor addition to the residence.

The Zoning Administrator did not find special circumstances applicable to the subject property that justifies the deck and stairway encroachment. The Zoning Administrator determined that approving the administrative adjustment would be a grant of special privileges inconsistent with other properties in the immediate vicinity and similar zone because the 20-foot minimum second-story rear setback is standard for this residential zone. Additionally, the Zoning Administrator felt that the deck and stairway appeared bulky and massive. The Zoning Administrator also found that the proposed second story did not satisfy the intent of the City's Residential Design Guidelines because the existing residence and the new construction were not architecturally compatible.

The applicant appealed the Zoning Administrator's decision on May 12, 2005, requesting that the project, as modified, be approved.

ANALYSIS

Summary of Appeal

As stated in the attached appeal, the appellant justifies the encroachment based on the following:

1. The proposed design is consistent with the style of the existing house and immediate vicinity;
2. The proposed second-floor deck and exterior stairway face a driveway and would not impact privacy of the adjoining neighbors;
3. The proposed second-floor deck and exterior stairway provide architectural opportunities;
4. Locating the stairway in any other place would impact privacy of the adjoining neighbors;
5. The property owner intends to use the property as a single-family residence.
6. Recent developments in the vicinity have little or no relief to the building mass and the developments disregard privacy of the adjoining neighbors.

Staff's Response

Attached to the applicant's appeal are revised plans for the north, west, and south elevations. The revised plans illustrate a coherent appearance between the existing residence and the new construction. Additionally, the solid railings along the proposed second-floor balcony have been replaced with open railings.

Although the proposed balcony and exterior stairway would not impact privacy of the adjoining neighbors, and the redesigned project minimizes the structure's bulk and mass, special circumstances do not exist on the property to justify encroaching into the required rear setback. The 20-foot minimum second-story rear setback is standard for this residential zone.

It is staff's opinion that the type of deck the appellant desires can be achieved without an administrative adjustment. The proposed second floor may be reduced in size or the second floor may be placed closer towards the front of the property to comply with setback requirements. Another option is to place the second-floor deck on the west side of the residence, which would provide views overlooking Elden Avenue.

An interior stairway is already proposed for the second floor; therefore, the secondary exterior stairway is not required for emergency egress. Approving an administrative adjustment for the exterior stairway would be a grant of special privilege not consistent with other properties in the immediate vicinity, under identical zoning.

In the appeal, the appellant has provided examples of recent developments in the surrounding area and identifies two developments that do not have mass variations. Although the front elevation, as shown on handwritten page ~~25~~²³, does not have much articulation, the sloping roof for the living room and the window treatments minimize the building mass. Additionally, various building planes and roof forms are provided along the other elevations for visual interest. The side elevations, as shown on handwritten page ~~23~~²⁸, are stark and bulky; however, the City's Residential Design Guidelines did not require a 10-foot average side setback at the time the project was approved. The second-story windows do not impact the neighbor because they are 20 feet from the adjoining property and have views overlooking the neighbor's driveway and roof.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Uphold the Zoning Administrator's denial of the administrative adjustment. If the project is denied, the applicant would not be able to file a request for substantially the same development for six months; or
2. Approve the project, as modified by the appellant, subject to the recommended conditions of approval.

CONCLUSION

Although the proposed project, as revised, minimizes the structure's mass and bulk, the Zoning Administrator believes that special circumstances do not exist on the property to justify encroachment into the rear setback and approving the administrative adjustment

4

for the second-floor balcony and the exterior stairway would be a grant of special privileges inconsistent with other properties in the immediate vicinity and similar zone.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings of Denial
 Exhibit "B" - Draft Conditions of Approval (if approved)
 Appeal Application
 Zoning Administrator's letter for ZA-04-64
 Applicant's Description/Justification
 Location/Zoning Map
 Air Photo
 Plans

cc: Deputy City Mgr. - Dev. Svs. Director
 Sr. Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Ray Varela
155 Monte Vista Avenue
Costa Mesa, CA 92627

Jason Machovsky
151 Monte Vista Avenue
Costa Mesa, CA 92627

File Name: 062705ZA0464	Date: 061405	Time: 4:15 pm
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RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING ADMINISTRATIVE
ADJUSTMENT ZA-04-64**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Ray Varela, authorized agent for Jason Machovsky, with respect to the real property located at 151 Monte Vista Avenue, requesting approval of an administrative adjustment to allow a 15-foot rear setback for a second-floor balcony and an exterior stairway (20 feet required), located in the R2-MD zone; and

WHEREAS, the Zoning Administrator denied the request on May 5, 2005; and

WHEREAS, the applicant filed an appeal of the Zoning Administrator's decision on May 12, 2005; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 27, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Administrative Adjustment ZA-04-64 with respect to the property described above.

PASSED AND ADOPTED this 27th of June, 2005.

Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA))ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 27, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

**Secretary, Costa Mesa
Planning Commission**

EXHIBIT "A"

FINDINGS

- A. The information presented does not substantially comply with section 13-29(g)(1) of the Costa Mesa Municipal Code in that no special circumstances applicable to the property exist to justify granting of the administrative adjustment for a five-foot encroachment into the required 20-foot rear setback. Strict application of the zoning ordinance will not deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. The 20-foot minimum second-story rear setback is standard in this residential zone and other corner lot properties under the identical zoning are also subject to the same setback standards. Additionally, there are other areas on the property to place the proposed balcony and staircase without encroaching into the required setback.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL (if approved)**

- | | | |
|--------|----|--|
| PIng. | 1. | Provide unobstructed 20 feet by 20 feet minimum interior dimensions for the garage. |
| | 2. | The zoning approval is applicable to the revised plans submitted on May 12, 2005. |
| | 3. | Demolition permits for the existing structure shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition. |
| | 4. | All new and existing construction shall be architecturally compatible with regard to building materials, style, colors, etc. Plans submitted for plan check shall indicate how this will be accomplished. |
| | 5. | Construction, grading, material delivery, equipment operation, or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on Saturday. Noise-generating activity shall not be allowed on Sunday or Federal holidays. Exceptions may be made for activities that will not generate noise audible from off site, such as painting and other quiet interior work. |
| | 6. | The conditions of approval, code provisions, and special district requirements of Administrative Adjustment ZA-04-64 shall be printed on the face of the site plan. |
| | 7. | The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the final building inspection. This inspection is to confirm that the conditions of approval and code requirements have been satisfied. |
| Eng. | 8. | Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling. |
| Trans. | 9. | It is recommended that the drive approach be widened to provide convenient access to the third car garage space. |

CITY OF COSTA MESA
P.O. BOX 1200
COSTA MESA, CALIFORNIA 92626
APPLICATION FOR APPEAL OR REHEARING

FEE: \$ 700

Applicant Name RAY VADELA

Address 155 MONTE VISTA

Phone 949 939-2027 Representing JAYSON + Wendy Macchovsky

Decision upon which appeal or rehearing is requested: (Give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) ZA-04-64 151 Monte Vista

Decision by: _____

Reason(s) for requesting appeal or rehearing:

SEE ATTACHED.

Date: 5-12-05

Signature: 

For Office Use Only — Do Not Write Below This Line
SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF: DEVELOPMENT SERVICES DEPARTMENT

RECEIVED
CITY OF COSTA MESA
MAY 12 2005

Reasons for requesting appeal or hearing

Exterior Stair - We are aware that the request of an exterior stair and balcony is encroaching into the 20 foot setback required for a second story. However, we are requesting a variance because this is a unique condition of the site that doesn't infringe on the privacy of the adjoining neighbors, is not too close to the property line and has positive architectural opportunities. The intent of the 20' rear setback required by the Municipal Code for second stories is to maintain a privacy buffer and minimize imposing mass over adjoining properties.

The propose balcony and stair is located 15' away from adjacent property and faces a driveway and not a private backyard or windows. This stair will never be seeing by the neighbors. Secondly, the extended roof overhang over the balcony and stair, open railing and post articulation makes this side of the house much more appealing from the street, than having none to minimum articulation if the zoning code is enforced. In fact, the massing would result in austere façade. See Attached photo 'G'

Locating the exterior stair, for the purpose of access to backyard below, in any other place than the one proposed will impact the privacy of the adjoining neighbors.

This request is not inconsistent with the recent developments in the same area. In fact many of the newly constructed homes disregard the privacy of adjoining neighbors by putting second story windows looking directly into backyard or the building mass has little to know relief.

See Attached Photos 'H'+ 'J'

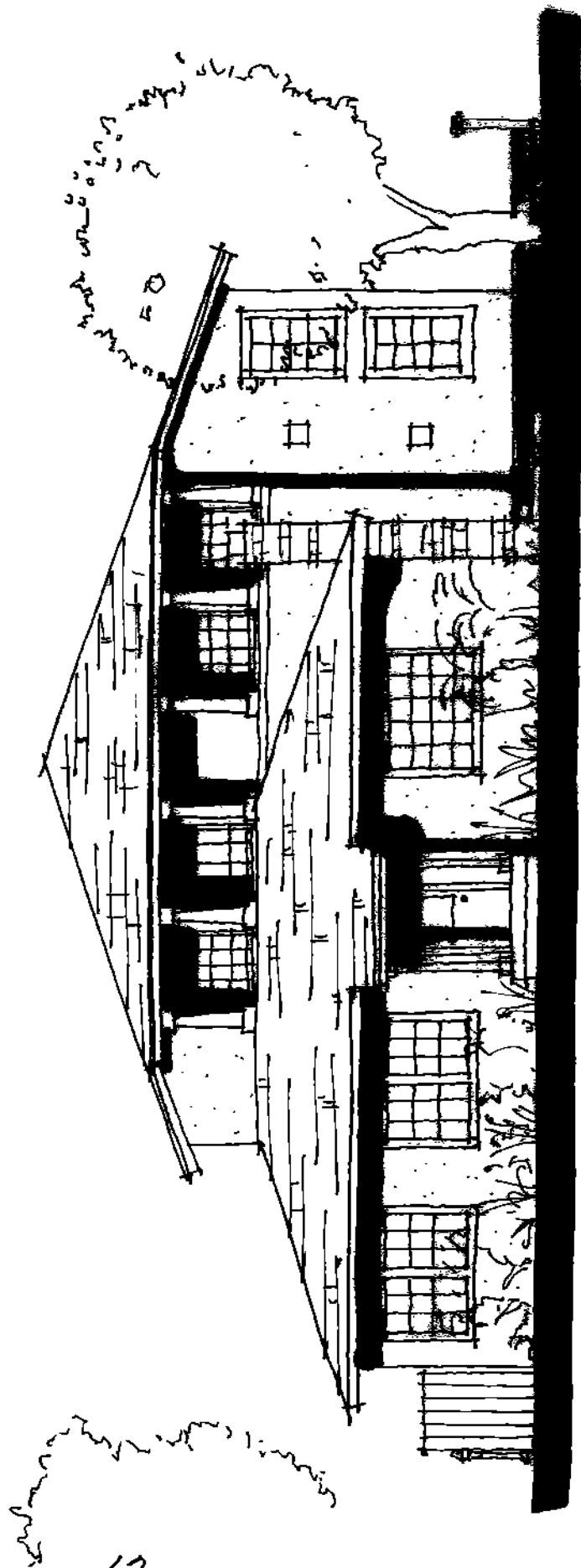
Design – It is our intent to promote design excellence with this project consistent with the Costa Mesa Design Guidelines, and we have made every effort to apply those guidelines in our design. The Architectural massing and articulation is consistent with the style of the existing house and contextual with the rest of the community. The hip roof, fascia board, windows, color and texture that are proposed will be consistent and compatible with the existing residence. Furthermore, in order to break up the mass, create variation and relief, as suggested in section 4 of the guidelines; the ends of the roof are terminated with a series of post and windows behind, this articulation suggest a liter and airy second floor that is not imposing or over scaled specially as viewed from Monte Vista Ave. The elevation along Elden Ave. is composed of various elements. The garage door are recessed, the extended roof overhang defines the interior stair, and is claded with top and bottom windows along two faces. The balcony railing is also expressed as suggested by one of the comments from planning. All elevations have been articulated with sensitivity to the surrounding community and consistent with the Design Guidelines. See Attached Elevation sketches and Surrounding community photos 'C,D,E, and F'

The concern that the exterior unit will be conducive to a second dwelling unit is not the intent of my client. The only purpose for this stair is to for my client to have easy access to his backyard when his children are playing. In fact this issue of the stair was discussed early in the design process with Wendy Shih, Associate Planner. She discussed this with her supervisor and informed me that it was OK to proceed with location as long as I was aware of the setback encroachment.

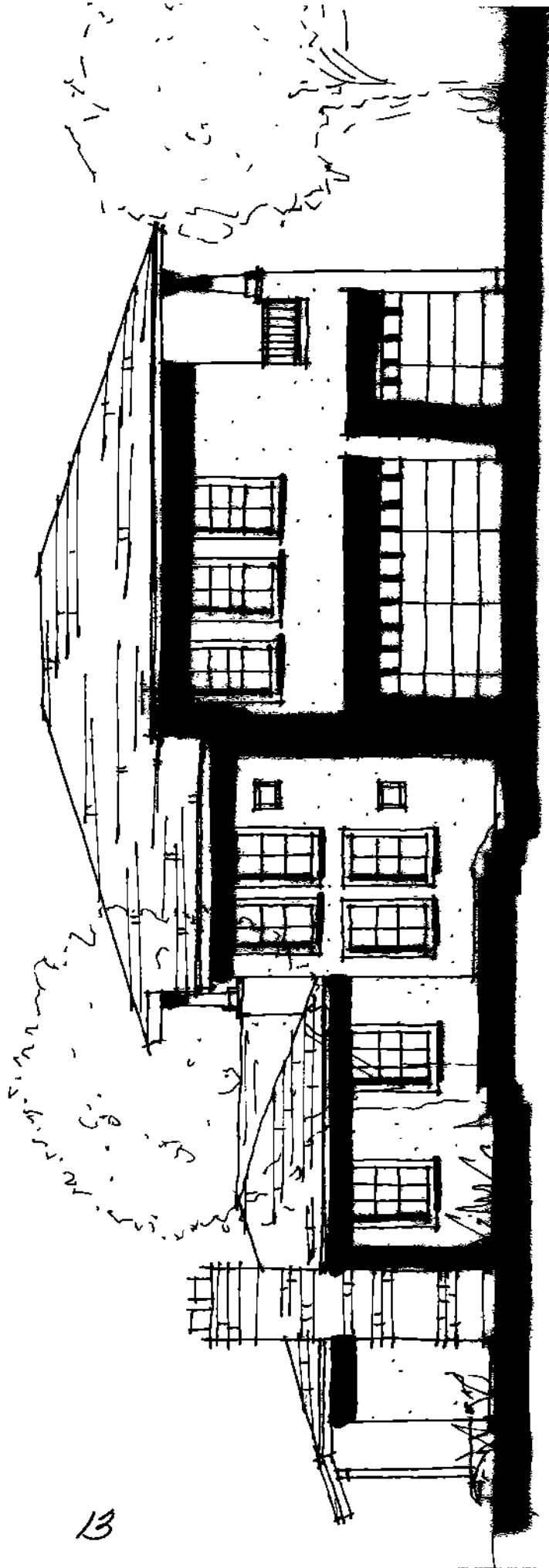
Attached, you'll find photos of the surrounding area as well as sketches of the elevations. We have incorporated the comment of open railing along the balcony for further consideration.

We look forward in further discussing these issues.

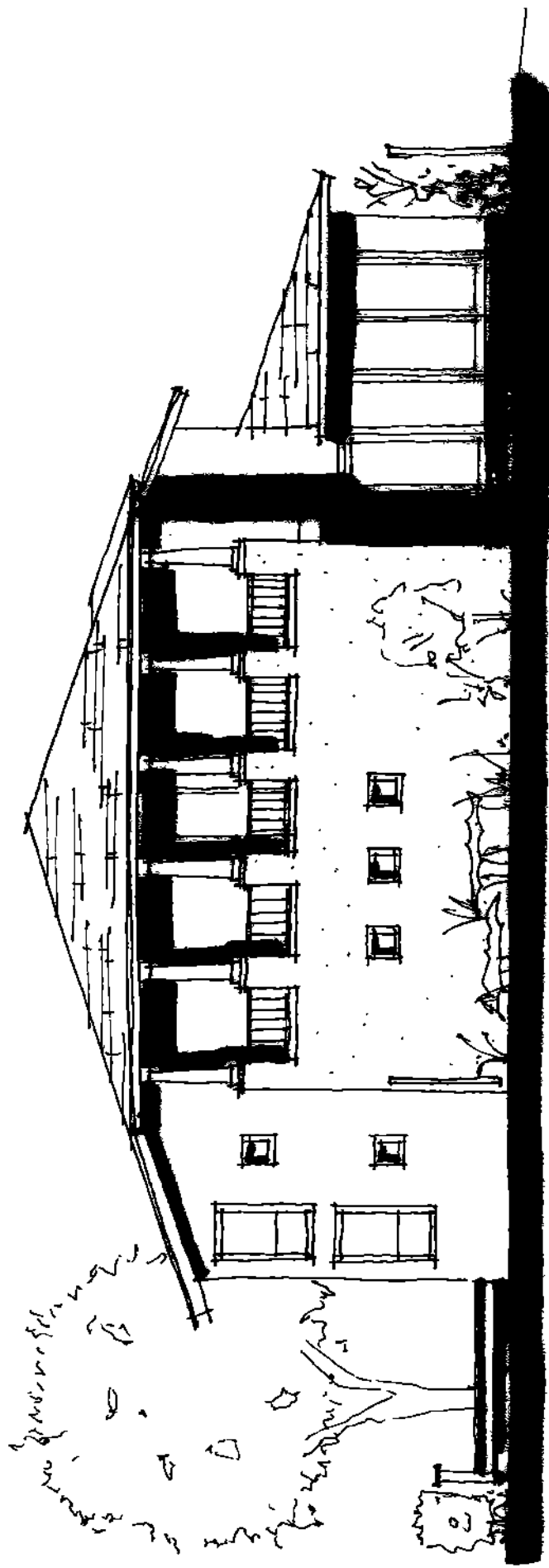
Thank You



FRONT ELEVATION HOUSE MONTE VISTA NE



ELEVATION ALONG ROEN



BACK ELEVATION



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**